



**CITY COUNCIL MEETING AGENDA
TUESDAY, JUNE 21, 2022
HELD REMOTELY & IN PERSON AT CITY HALL
124 S. LEFEVRE ST.**

Under Governor Inslee’s “Washington Ready” plan, members of the public may attend Medical Lake City Council meetings in person at City Hall at the address provided above, or via Zoom at the link listed below. Members of the public will be allowed to comment in person or via Zoom as described on the last page of this agenda.

- Sign up to provide Public Comment at the meeting via calling in
- Submit Written Public Comment Before 4 pm on (June 21, 2022) - *SEE NOTE*
- Join the Zoom Meeting –
<https://us06web.zoom.us/j/8444846563?pwd=UWlWTWtqYzI1VGNoWXJPaKhWalJJCz09>

Meeting ID: 844 484 6563

Passcode: 446645

One tap mobile

+12532158782,,8444846563#,,,,*446645# US (Tacoma)

+17207072699,,8444846563#,,,,*446645# US (Denver)

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 720 707 2699 US (Denver)

+1 346 248 7799 US (Houston)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Meeting ID: 844 484 6563

Passcode: 446645

Find your local number: <https://us06web.zoom.us/j/8444846563?pwd=UWlWTWtqYzI1VGNoWXJPaKhWalJJCz09>

WRITTEN PUBLIC COMMENTS

If you wish to provide written public comments for the council meeting, please email your comments to KAllen@Medical-Lake.org by 4:00 p.m. the day of the council meeting and include all the following information with your comments:

1. The Meeting Date
2. Your First and Last Name
3. If you are a Medical Lake resident
4. The Agenda Item(s) which you are speaking about

*Note – If providing written comments, the comments received will be acknowledged during the public meeting, but not read. All written comments received by 4:00 p.m. will be provided to the mayor and city council members in advance of the meeting.

Questions or Need Assistance? Please contact City Hall at 509-565-5000

REGULAR SESSION – 6:30 PM

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

- a. Absence(s):

2. AGENDA APPROVAL

3. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

4. ANNOUNCEMENTS / PROCLAMATIONS / SPECIAL PRESENTATIONS

5. REPORTS

- a. Council Committee Reports
- b. Council Comments
- c. Mayor
- d. City Administrator & City Staff
 - i. Council Retreat Update – Katy Allen
 - ii. DSHS Land Lease terms – Katy Allen

6. WORKSHOP DISCUSSION

- A. ARPA Grant and Fund Distribution – Koss Ronholt

7. GENERAL BUSINESS

- A. Consent Agenda
 - i. Approve the (June 7, 2022, and June 14, 2022, Special Meeting) Minutes
 - ii. Approve (June 21, 2022), Claim Warrants (41397) through (41439) in the amount of (\$77,246.40)
- B. Action Items

8. PUBLIC HEARING / APPEALS – No items listed

9. RESOLUTIONS – No items listed

10. ORDINANCES

- A. Ordinance 1070 Regulating Business Licenses – Laura McAloon

11. EMERGENCY ORDINANCES – No items listed

12. UPCOMING AGENDA ITEMS

13. INTERESTED CITIZENS

14. EXECUTIVE SESSION – No items listed

15. CONCLUSION

**CITY OF MEDICAL LAKE
City Council Regular Meeting**

6:30 PM
June 7, 2022

Council Chambers
124 S. Lefevre Street

MINUTES

NOTE: This is not a verbatim transcript. Minutes contain only a summary of the discussion. A recording of the meeting is on file and available from City Hall.

COUNCIL AND ADMINISTRATIVE PERSONNEL PRESENT

Councilmembers

Heather Starr
Dawn Olmstead
Tony Harbolt
Chad Pritchard
Bob Maxwell
Art Kulibert
Don Kennedy

Administration/Staff

Terri Cooper, Mayor
Katy Allen, Interim-Deputy
City Administrator
Laura McAloon, City Attorney
Koss Ronholt, Finance Director
Steve Cooper, W.W.T.P.
Roxanne Wright, Admin. Asst.

- 1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL**
 - A. Mayor Cooper called the meeting to order at 6:30 pm
 - B. Absence(s): None
- 2. AGENDA APPROVAL**
 - A. No changes or additions – Approved (7-0)
- 3. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS**
 - A. None
- 4. ANNOUNCEMENTS / PROCLAMATIONS / SPECIAL PRESENTATIONS**
 - A. None
- 5. REPORTS**
 - A. City Council & Council Committee Reports
 - i. Councilmember Pritchard – commented that he walked around the lake and noted that it is clean and well kept.
 - ii. Councilmember Kulibert – discussed need to figure out ways to best communicate with community members. City Facebook page has not been updated since May 14, 2022, and there are many new followers on the page.

- iii. Councilmember Maxwell – commented that the sidewalk projects are coming along nicely.
- iv. Councilmember Olmstead – gave Parks & Recreation Committee update regarding Community Yard Sale on July 9-10, 2022. Senior Bingo was a success, 25 seniors participated. Scoreboards are in process and will have one at each field.
- v. Councilmember Harbolt – thanked Scott Duncan and crew for the hard work on the walking path by the Wastewater Treatment Plant.

B. Mayor

- i. Street sweeper has been purchased.
- ii. Founder’s Day – information in Newsletter.

C. City Administrator & City Staff

- i. Katy Allen, Interim Deputy City Administrator
 - 1. Council Retreat Update - Went on a tour of retreat site (Silver Lake Camp and Retreat Center), beautiful site. Public is invited as it is a special meeting of Council. Reviewed agenda.
 - 2. Website – meeting with Zipline on Wednesday, June 8, 2022.
 - 3. PTERA – work in progress. City Hall does have a temporary wi-fi connection.
 - a. Councilmember Kulibert noted that the city’s website calendar is working. Mentioned that the resolution regarding council only meeting once during summer months needs to be rescinded. Katy Allen will research resolution number. Mayor Cooper noted that she would like to continue meeting on the regular schedule and will bring back to council for further discussion.
 - 4. New City Planner – Elisa Rodriguez will begin June 20, 2022, 20 hours per week.
 - 5. City Administrator – position posted, 2 applications received and one call of interest. Community member pointed out that the posting on the website has an error on second page header. Reads “planner” rather than “administrator”. Katy Allen will make appropriate corrections.
 - 6. Solar Contract – no response back on grant application at this time.

6. WORKSHOP DISCUSSION

A. Spokane County Broadband Project

- i. Memorandum of Understanding with Spokane County – Ariane Schmidt with Spokane County gave presentation

B. PTERA – ARPA Grant Applications

- i. Jacob with PTERA gave presentation via Zoom phone-in and answered questions from councilmembers

C. Social Media/Facebook

- i. Katy Allen – explained the challenge of managing public records when records are generated on a non-city social media site (records can be deleted by the page administrator) or on private e-mails.
- ii. Mayor encouraged councilmembers to contact Katy Allen with questions regarding whether something is considered a public record. Suggested creating own blog if councilmembers desired to communicate council items. This format doesn't allow for back-and-forth dialogue. Also encouraged councilmembers to be clear when something is personal commentary and not representative of the council as a whole.
- iii. Councilmember Starr asked about creating own personal councilmember social media page. City attorney, Laura McAloon explained that it triggers public records that must be preserved. Can't delete anything on a public page like you can on a personal page. Becomes a 1st amendment issue.

D. Public Records Requests

- i. Katy Allen – noted that there are a few active public records requests that are being processed, thanked council for their responses.
 1. Discussed point of contact for public records requests.
 2. City Attorney reviewing current administrative fee schedule for public record requests.
 3. Mayor Cooper shared that over \$6,700 has been spent so far this year in attorney fees for public records requests. This does not include staff time or supplies. Noted that some other small cities have a limited number of hours that staff is available to process public records requests. This topic will be revisited at future council meeting.
 4. Katy Allen noted that as of June 1, 2022, we are no longer required by state mandate to offer council meetings via Zoom but will continue.
 5. Councilmember Olmstead shared that she is happy to respond to questions from the public and suggested that some questions can be handled with a phone call or e-mail rather than a records request.

7. GENERAL BUSINESS

A. Consent Agenda

- i. Approved (May 17, 2022, and May 24, 2022 – Special Meeting) minutes.
 1. May 17, 2022 Minutes - Correction needed to wording in Section 10. Ordinances, section B., bullet ii. Should read "Councilmember

Pritchard motioned to suspend second reading of Ordinance 1098. Councilmember Harbolt seconded, motion carried (6-0)".

- a. Motion to accept minutes as amended, made by Councilmember Starr, seconded by Councilmember Pritchard. Motion carried 6-0 with Councilmember Kennedy abstaining.
2. May 24, 2022, Minutes - Correction needed to sections 2a iii and 3a. Should read motion carried 5-0 rather than 6-0.
 - a. Motion to accept minutes as amended made by Councilmember Starr, seconded by Councilmember Pritchard. Motion carried 6-0 with Councilmember Kennedy abstaining.
- ii. Approve June 7, 2022, Claim Warrants 41323 through 41365 and 41374 through 41396 in the amount of \$254,324.98, Payroll Warrants 41366 through 41373 and Payroll Accounts Payable Warrants 20121 through 20133 in the amount of \$221,104.53.
 1. Motion to approve all June 7, 2022, warrants made by Councilmember Kulibert, seconded in unison by Councilmember Harbolt and Councilmember Olmstead, motion carried (7-0).

B. Action Items - none

8. PUBLIC HEARING / APPEALS – No items listed

9. RESOLUTIONS

- A. Resolution No. 22-540 – Authorization for the Mayor to execute a MOU regarding Broadband Project with Spokane County
 - i. Motion to approve resolution 22-540 made by Councilmember Starr, seconded by Councilmember Kulibert, motion carried (7-0)

10. ORDINANCES

- A. Second Read – Ordinance 1097 Public Records Requests
 - i. Title read by City Attorney, Laura McAloon
 1. Councilmember Starr inquired about how many staff hours have gone into the requests so far this year. Mayor Cooper noted that time hasn't been tracked but could be something to keep a record of going forward. Councilmember Starr expressed concern over amount of time staff may be spending on requests.
 2. Motion to pass Ordinance 1097 made by Councilmember Olmstead, seconded by Councilmember Harbolt, motion carried (7-0)

11. EMERGENCY ORDINANCES – No items listed

12. UPCOMING AGENDA ITEMS – none

13. INTERESTED CITIZENS

- A. Brian Papiez – requested that agenda and zoom info get posted to City’s Facebook page. Inquired about amending Municipal Code 19.12 to allow electric motorized watercraft on Medical Lake. Suggested that such amendment would draw people to the lake. Discussion from Council about why ban was implemented, and that the topic will be added to future agenda.
- B. Lahni Henderson – commented on Mr. Papiez’s request and voiced her concerns. Inquired about Zoom for Council Retreat. Mayor informed Ms. Henderson that since it is no longer required, we will not offer it for the retreat. Ms. Henderson inquired about other committee reports. Mayor explained that Parks & Rec Committee was the only one with items to report.

14. EXECUTIVE SESSION – No items listed

15. CONCLUSION

Councilmember Pritchard motioned to conclude, seconded by Councilmember Starr, Motion Carried (7-0), meeting concluded at 7:36 p.m.

Terri Cooper, Mayor

Koss Ronholt, Finance Director/City Clerk

CITY OF MEDICAL LAKE
City Council Special Meeting

2:00 PM
June 14, 2022

Silver Lake Camp and Retreat Center
10919 S Lakehurst Drive, Medical Lake

Minutes

NOTE: This is not a verbatim transcript. Minutes contain only a summary of the discussion.

COUNCIL AND ADMINISTRATIVE PERSONNEL PRESENT

Councilmembers

Heather Starr
Dawn Olmstead
Tony Harbolt
Chad Pritchard
Bob Maxwell
Art Kulibert
Don Kennedy

Administration/Staff

Terri Cooper, Mayor
Katy Allen, Interim-Deputy
City Administrator
Scott Duncan, PW Director
Koss Ronholt, Finance Director
Steve Cooper, W.W.T.P.
Felicia Mendez, Utility Clerk

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

- A. Mayor Cooper called the meeting to order at 2:20 p.m.
 - i. All council members were present at start apart from Councilmember Harbolt who arrived at 4:03 p.m.
- B. Excused Absence(s): None

2. OPENING REMARKS – Mayor Cooper

- A. Thank you to Silver Lake Camp and Retreat Center. We look forward to hearing City Council’s ideas and vision for our community during the retreat.

3. PUBLIC COMMENTS

- A. None

4. RETREAT TOPICS

- A. Budget 101 – Koss Ronholt, Finance Director
 - i. Mr. Ronholt provided a power point presentation on the Budgeting process, which included regulatory requirements, the schedule and the process for adopting the 2023 Budget. See Attached.
 - ii. Current Budget Status – Revenues through May 2022 are averaging approximately at 42%. This closely aligns with where we should be – there is nothing unanticipated about the status of city budget at this time.
 - 1. Councilmember Kulibert commented that property taxes will be influencing city revenues. Second half of property taxes are due in October.

2. Discussion regarding what is included in general fund revenues. They include non-allocated funds as well as utilities, business, B & O tax, parks and recreation tax.
- iii. Budget Deadlines – See attached presentation. After Council review, budget is routed back to the Finance Director to finalize and then present to Council for final review. Council will then certify a levy to the County Assessor. Council adopts the budget and will submit to MRSC and SAO no later than December 31st.
 1. Ms. Allen mentioned that future items are based on forecasts, are typically conservative on revenue projections, and utilize previous budgets to assist in forecasting.
 2. Councilmember Starr discussed necessity of covering costs from our Solid Waste contract with Sunshine Disposal. Suggested that the city match what Sunshine is charging our customers, otherwise we are funding it with the utility tax. Suggested we could also lower the utility tax to make it accurate.
 - a. Mr. Ronholt mentioned that he will do an analysis of what we are spending with cost recovery as a high priority.
- iv. Public Hearings
 1. There will be a Revenue Hearing held before property tax certification with the county, due by November 30, 2022.
 2. Preliminary hearing with city council on or before the first Monday in December
 3. Final Budget – approved by council and filed with the county by December 31, 2022.
- v. Future Budget Development
 1. Property tax revenue projections and completing a salary survey for existing positions will be included in preparation for the 2023 budget.

B. DSHS Land Lease – Scott Duncan, Public Works Director

- i. Current lease DSHS will expire on Oct. 31, 2022. A map was displayed showing the existing City land lease of approximately 57 acres. Current policy requires that new leased will be assessed at fair market value per acre. In Medical Lakes situation, land will be designated as agriculture. When the new land lease is executed, a budget amendment to cover the lease will be necessary to retain City's position on this property.
 1. New land lease will be yearly with an annual renewal.
 2. Discussions regarding possibilities for offsetting cost of land, compensation from District 3, Public Safety services, fair market value of land, easements, expansion, and surplus. Follow up on these discussions will be given at next council meeting, June 21, 2022.
- ii. Tom Hagerty, City Engineer – provided an update on Grant applications. The SRTC Grant was submitted mid-April. Grant includes upgrade of all ADA ramps on Lake Street from Prentis to Lefevre - \$500,000-\$600,000, new sidewalks on Lefevre from Spence to 4th Street, to bring up to grade. Provide gated signs for shorter major crossings. On Jefferson, replacing joint pipe and lead goosenecks on 6/15/2022 – cost is \$400,000-\$500,000. SRTC grant is approximately \$600,000-\$700,000. ARPA funds set limit at 35%. If selected for the grant, IACC will confer and have a tech team put together a funding package.

C. ARPA Funding – Koss Ronholt, Finance Director/City Clerk

- i. Koss Ronholt – presented an update on ARPA funds totaling awarded \$1,386,248. See attached. City has used \$203,932, with unallocated funds totaling \$1,182,316. Money to be encumbered by 2024 and expended by 2026.
- ii. Koss Ronholt covered a proposal to identify percentage (%) breakdown by category. The categories included, Public Works equipment 26%, aerators 14%, Broadband (Ptera) 10%, WWTP Capital Reserves 5%, civic non-profits 7%, expanded parks and trails 10%, downtown beautification 9%, auditorium remodel 9% and city technology and training 10%. See attached for breakdown details.
- iii. ARPA grant application from Non-Profits received to date included:
 - Kiwanis - \$2300
 - Medical Lake Community Outreach - \$50,000, previously received \$100,000
 - Medical Lake Food Bank - \$50,000, previously received \$75,000
 - Re-Imagine Medical Lake - \$20,000
 - American Legion - \$2,000
- iv. There was in-depth discussion regarding funding for non-profits. Mayor Cooper mentioned that there are several sources for additional funding over and above the City of Medical Lake's from other sources. City can approve or deny applications. Mayor Cooper explained that grant money recipients are required to submit reports on how the money was spent.
- v. Non-profit funding allocations will be discussed at a future City Council meeting.

D. Open Discussion – Katy Allen, Interim Deputy City Administrator

- i. Medical Lake Strategic Goals – The Mayor and Council provided input on their ideas and vision for Medical Lake. See attachment.

5. **PUBLIC COMMENTS** – None

6. **CONCLUSION** – Meeting concluded at approximately 5:55 p.m.

Terri Cooper, Mayor

Koss Ronholt, Finance Director/City Clerk

City Council Retreat

June 14, 2022

Silver Lake Conference Center

City Council's Ideas & Priorities

Art Kulibert

- Stabilize Revenue Funds
 - Property Taxes
- RV Hook Ups

Dawn Olmstead

- Business Incentives
- Website Improvements
- Community Events and Engagement
 - Citizen Participation & Volunteer Opportunities
 - Senior Programs
 - Youth Programs
 - Activities

Don Kennedy

- Sidewalks – Build and Maintain
- Electric Message Board
- Wildlife Control

Heather Starr

- Business Forum
- Map of Medical Lake
- Wayfinding Signage
- Information Board and/or Kiosks
- New Employees @ WWTP – 2?
- Stanley NB – Left-hand turn @ 902
- Off Road Vehicles (ORV) – approved routes

Chad Pritchard

- Summer Camps
- Library
- After School Programs
- Community Events and Activities
- Stormwater
- Parks Master Plan
- “Celebrate History of Medical Lake”
- Plan for 902 East of Craig Road

Tony Harbolt

- Waterfront Park
 - Improve experience
 - Food Trucks
 - Rentals
 - Public Safety and Security
- Block watch
- Block Parties – Plan and Promote meet your neighbors
- Radar speed reading @ City Entrance – Speed Trailers

Bob Marshall

- Downtown – more inviting
- Employee Appreciation
- Speed Trailer

Terri Cooper

- WSDOT business loop signs at ML freeway exits
- Downtown beautification
- Expand/Improve Parks and Trails
- Attracting small business and outdoor rec users
- Improve Public Safety response times
- Explore Public Safety Service Delivery Option

ARPA Funding

Projects and Allocations

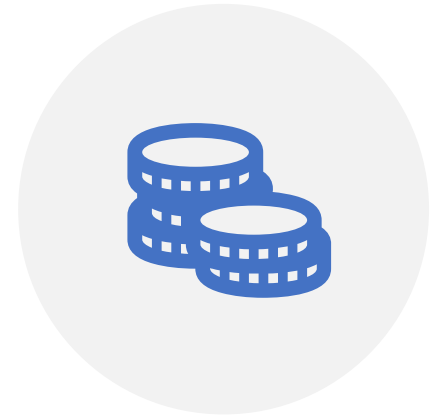
Current Funding Status



TOTAL AWARDED:
\$1,386,248



TOTAL SPENT: \$203,931

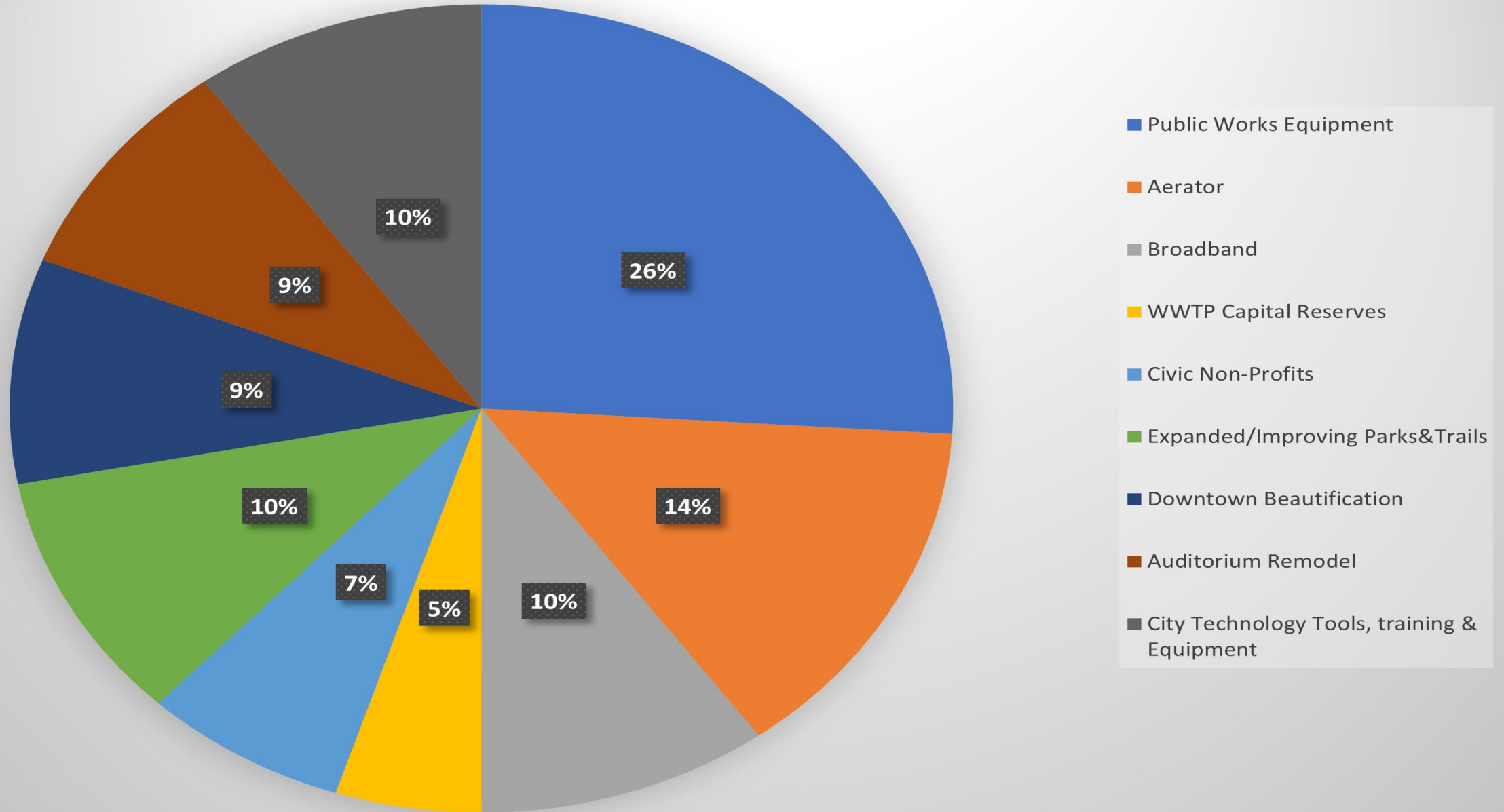


UNALLOCATED FUNDS:
\$1,182,316

Proposed Allocations

Allocation Area	% of Total	Amount
Public Works Equipment	26%	\$307,402
Aerators	14%	\$165,524
Broadband (Ptera, Inc)	10%	\$118,231
WWTP Capital Reserves	5%	\$59,115
Civic Non-Profits	7%	\$82,762
Expanded Parks & Trails	10%	\$118,231
Downtown Beautification	9%	\$106,408
Auditorium Remodel	9%	\$106,408
City Technology and Training	10%	\$118,231

Allocation Percentages



Public Works Equipment – 26% \$307,402

- Mini Excavator+Trailer \$87,402
- Sewer Rodder/Vactor \$150,000
- Loader \$50,000
- Street Sweeper* \$20,000

*Street Sweeper has been purchased for \$20,000, approval is requested for funding with ARPA funds

Aerators - 14%

\$165,524

- \$108,553 - Purchase of 2 used Aerators
- \$56,971 - Funds for install, maintenance and peripheral expenditures

Broadband (Ptera, Inc) – 10% \$118,231

- \$100,000 – Grant funding to off-set costs of installation and construction of internet infrastructure.
- \$18,231 – Broadband reserves

WWTP Capital Reserves – 5% \$59,115

\$59,115 – Reserves for future capital needs.

- UV Light System
- Fine Screen System

Civic Non-Profits – 7%

\$82,762

- Current Applications:

- Kiwanis \$2,300
- ML Community Outreach \$50,000 (Received \$100,000* thus far)
- ML Food Bank \$50,000 (Received \$75,000* thus far)
- Reimagine ML \$20,000
- American Legion \$2,000

*Figure does not reflect CARES funding received as follows:

- ML Community Outreach \$35,520.77
- ML Food Bank \$23,680.51

- See applications for details on fund uses

Expanded Parks & Trails - 10% \$118,231

- \$118,231 Reserved for the improvement of City parks and trails

Downtown Beautification – 9% \$106,408

- \$106,408 – Reserves for city beautification projects, including sidewalks, streets, lighting and landscape

Auditorium Remodel – 9% \$106,408

- \$106,408 – Reserves to convert Auditorium into an updated Community Center. Includes costs for planning and construction.

City Technology – 10%

\$118,231.67

Possible Projects and Expenses

- Digital Records Database and Portal
- Project Accounting Software
- Council Chambers virtual capabilities and viewing screens
- Communication Hardware and Software
- Training courses on new technology

BUDGET OVERVIEW

The operating budget is arguably a municipality's most important work product. The budget serves a number of functions.

- Legal document that gives local government officials the authority to incur obligations and pay expenses.
- Allocates resources among departments, reflecting the legislative body's priorities and policies, and controls how much each department may spend them.
- Can incorporate mission statements, goals, and objectives to convey how budget decisions relate to a wider vision for the future of the municipality.
- Evaluation tool, comparing commitments made in the previous year's budget with actual accomplishments.



Revenues – through May

Fund	Budgeted	Current	% of Budget
General	\$3,077,346	\$949,831	31%
Street	\$515,340	\$228,140	44%
Water/Sewer	\$1,834,150	\$764,290	42%
Garbage	\$601,010	\$283,058	47%
Total	\$6,027,846	\$2,225,319	41% Average

- Streets: TIB Reimbursement in process, approximately \$200,000. (Puts Street fund at 44% and Average at 41%)
- May represents 5/12 or 42% of the current year, thus we would expect to have used roughly 42% of revenues and expenditures

Expenditures – through May

Fund	Budgeted	Current	Remaining	% Spent
General	\$2,479,044	\$1,196,747	\$1,282,296	48%
Street	\$515,340	\$154,027	\$361,312	30%
Water/Sewer	\$1,943,807	\$713,203	\$1,230,603	37%
Garbage	\$644,200	\$289,650	\$354,549	45%
Total	\$5,582,391	\$2,353,627	\$3,228,763	42% Average

STATUTORY DEADLINES

- 2nd Monday in September - Budget Request to Dept Heads
- 4th Monday in September – Estimates returned by Dept Heads
- 1st Business day in October – Present preliminary budget to Mayor
- 1st Monday in October – Mayor presents preliminary budget to Council
- 60 days before EOY – Mayor files final budget proposal with Finance Director
- 60 days before EOY – Mayor files final budget proposal with Council
- November 30 – Council Certifies Levy to County Assessor
- December 31 – Council Adopts Budget and Submits Adopted Budget to MRSC and SAO

PUBLIC HEARINGS

Budget Hearing are mandated to allow the public to obtain public testimony or comment before budget decisions are made. The following hearing are required by statute.

- **Revenue Hearing** – Before Property Tax certification with the County (November 30)
- **Preliminary Hearing** – On or before the first Monday in December
- **Final Budget Hearing** – On or before the first Monday in December, and the hearing may be continued from day-to-day, but no later than December 7

THANKS!

QUESTIONS OR COMMENTS?

CITY OF MEDICAL LAKE ORDINANCE NO. 1070

AN ORDINANCE OF THE CITY OF MEDICAL LAKE, SPOKANE COUNTY, WASHINGTON, AMENDING TITLES 4 AND 17 OF THE MEDICAL LAKE MUNICIPAL CODE REGULATING BUSINESS LICENSES, AMENDING ORDINANCE NOS. 321, §1 (1965); 327, §4 (1966); 458, §2 (1975); 469, §4 (1976); 470, §3 (1976); 613, §1 (1983); 634, §2 (1984); 711, §§2, 3, 56, 7, 8, 11 and 12 (1990); 783, §3 (1994); and 924, §3 (2002), PROVIDING FOR THE EFFECTIVE DATE THEREOF AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the City of Medical Lake, Spokane County, Washington (the “City”) is a duly incorporated and existing noncharter code city by virtue of the Constitution and laws of the state of Washington; and

WHEREAS, the State of Washington (the “State”) has enacted RCW 35.90.080 which requires a uniform process for licensing businesses across the State; and

WHEREAS, the City wishes to enroll in the Department of Revenue’s Business Licensing Service (“BLS”); and

WHEREAS, the Department of Revenue has reviewed the Medical Lake Municipal Code (“MLMC”) and indicated certain changes which will align the MLMC with BLS.

NOW, THEREFORE, the City Council of the City of Medical Lake, Spokane County, Washington, hereby ordain as follows:

Section 1: Amendment to MLMC Section 4.01.010 and Ordinance No. 711, §2 (1990). MLMC Section 4.01.010 – Purpose, and Ordinance No. 711, §2 (1990) are each hereby amended to read as follows (deleted language ~~stricken~~; added language double-underlined):

Section 4.01.010. Purpose. The purpose of this chapter is to provide a means for obtaining public information and compiling statistical information on existing and new businesses in the city to regulate and ~~insure~~ ensure the legal conduct of said businesses and to assist in the effective administration of the health, fire, building, zoning and other codes of the city.

Section 2: Amendment to MLMC Section 4.01.020 and Ordinance No. 711, §3 (1990). MLMC Section 4.01.020 – Definitions, and Ordinance No. 711, §3 (1990) are each hereby amended to read as follows (deleted language ~~stricken~~; added language double-underlined):

Section 4.01.020. Definitions.

For the purposes of this chapter:

(A) “Business” means professions, trades, occupations, shops and all and every kind of calling carried on for profit or livelihood.

(B) “Engaging in business” means:

(1) Commencing, conducting, or continuing in business, and also the exercise of corporate or franchise powers, as well as liquidating a business

when the liquidators thereof hold themselves out to the public as conducting such business.

(2) The following are examples of activities that constitute “engaging in business” in the city and are illustrative only and are not intended to narrow the definition of “engaging in business” in subsection (1). If an activity is not listed, whether it constitutes engaging in business in the city shall be determined by considering all the facts and circumstances and applicable law.

(3) Without being all inclusive, any one of the following activities conducted within the city by a person, or its employee, agent, representative, independent contractor, broker, or another acting on its behalf constitutes “engaging in business” and requires a person to register and obtain a business license.

(a) Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the city.

(b) Owning, renting, leasing, using, or maintaining, an office, place of business, or other establishment in the city.

(c) Soliciting sales.

(d) Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.

(e) Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.

(f) Installing, constructing, or supervising installation or construction of, real or tangible personal property.

(g) Soliciting, negotiating, or approving franchise, license, or other similar agreements.

(h) Collecting current or delinquent accounts.

(i) Picking up and transporting tangible personal property, solid waste, construction debris, or ~~excavating~~excavated materials.

(j) Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system

services, surveying, and real estate services including the listing of homes and managing real property.

(k) Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, consultants, ~~professional coaches~~, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.

(l) Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.

(m) Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the City, acting on its behalf, or for customers or potential customers.

(n) Investigating, resolving, or otherwise assisting in resolving customer complaints.

(o) In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of the goods took place.

(p) Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.

(4) If a person, or its employee, agent, representative, independent contractor, broker or another acting on the person's behalf, engages in no other activities in or with the city but the following, it need not register and obtain a business license.

(a) Meeting with suppliers of goods and services as a customer.

(b) Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.

(c) Attending meetings, such as board meetings, retreats, seminars, and conferences, or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person or on its behalf. This provision does not apply to any board of director member or attendee engaging in business such as a member of a board of directors who attends a board meeting.

(d) Renting tangible or intangible property as a customer when the property is not used in the city.

(e) Attending, but not participating in a “trade show” or “multiple vendor events”. Persons participating at a trade show shall review the City's trade show or multiple vendor event ordinances.

(f) Conducting advertising through the mail.

(g) Soliciting sales by phone from a location outside the city.

(5) A seller located outside the city merely delivering goods into the city by means of common carrier is not required to register and obtain a business license, provided that it engages in no other business activities in the city. Such activities do not include those in subsection (4).

(6) The city expressly intends that “engaging in business” includes any activity sufficient to establish nexus for purposes of applying the license fee under the law and the constitutions of the United States and the State of Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus generating contact or subsequent contacts.

(C) “Itinerant vendor” means any person engaged in the temporary business of selling or delivering goods or services within the city from a fixed or temporary location.

(D) “Multi-level marketing and sponsoring” means those businesses such as Avon, Mary Kay cosmetic sales and Amway sales.

(E) “Peddler” means a person traveling from place to place offering, exposing for sale, or selling within the city any goods, merchandise, service, or product.

(F) “Person” means any individual, receiver, assignee, trustee in bankruptcy, ~~trust~~ trust, estate, firm, co-partnership, joint venture, club, company, joint-stock company, business trust, corporation, association, society or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise, including the United States, the state and any subdivisions or instrumentalities thereof.

(G) “Special events” means those activities as defined by council policy

(H) “Temporary business” means a person engaging in any business, other than the sales activities in “itinerant vendor” or “peddler” definitions, in the city with no permanent location.

(I) “Business Licensing Service” or “BLS” means the office within the Washington State Department of Revenue providing business licensing services to the City.

Section 3: Amendment to MLMC Section 4.01.030 and Ordinance No. 711, §5 (1990). MLMC Section 4.01.030 – License required, and Ordinance No. No. 711, §5 (1990) are each hereby amended to read as follows (deleted language ~~stricken~~; added language double-underlined):

Section 4.01.030. License required-Nontransferable.

(A) ~~From and after January 15, 1990, n~~No person shall may engage in business in the city until it has applied for and obtained from the city a business license from the city, for such calendar year or unexpired portion thereof as provided in this chapter.

(B) The license required by this chapter is not transferrable. Any person purchasing an ongoing business within the city shall must obtain a new business license for said business in accordance with this chapter. Each branch or separate location ~~shall be~~ is deemed a separate business for the purpose of this chapter and ~~shall~~ must be separately licensed, even if operated by the same person. If two or more persons each conduct separate and distinct businesses at the same premises, each such business must be separately licensed. Each distinct business ~~enterprise activity type~~ conducted on a the same premises ~~shall be~~ is deemed a separate business for the purpose of this chapter and ~~shall~~ must be separately licensed, when conducted by the same even person.

Section 4. Amendment to MLMC Section 4.01.050 and Ordinance No. 711, §6 (1990). MLMC Section 4.01.050 – Exemptions, and Ordinance No. 711, §6 (1990) are each hereby amended to read as follows (deleted language ~~stricken~~; added language double-underlined):

Section 4.01.050 - Exemptions. The provisions of this chapter shall not apply to the following:

(A) Nonprofit activities carried on by religious, charitable, benevolent, fraternal or social organizations, such as are noted as tax-exempt by the Internal Revenue Service under provisions of 26 USC § 501(c);

(B) Public utility companies required to be licensed under Chapter 4.20 MLMC;

(C) Farmers or gardeners selling their own unprocessed farm products raised or grown exclusively upon lands owned or occupied by them;

(D) Multi-level marketing and sponsoring, as defined in MLMC 4.01.020(D);

(E) Garage and yard sales conducted on residential premises;

(F) Businesses ~~where the sale or contract for services occurs~~ located only on business premises outside of the corporate limits of the city, and the only event occurring within the city is the mere but providing delivery of the goods or services to the customers or clients within the city;

(G) Any business which is owned and operated by a person under the age of eighteen years and which does not generate a net income of more than one thousand five hundred dollars per year;

(H) Any instrumentality of the United States, state of Washington, or any political subdivision thereof, with respect to the exercise of governmental functions;

(I) Individual vendors covered by a special events business license; the city reserves the right to coordinate or restrict placement of vendors when on public property.

Section 5: Amendment to MLMC Section 4.01.060 and Ordinance No. 711, §7 (1990). MLMC Section 4.01.060 – Procedure for obtaining licenses, and Ordinance No. 711, §7 (1990) are each hereby amended to read as follows (deleted language ~~stricken~~; added language double-underlined):

Section 4.01.060. - Procedure for obtaining license.

(A) ~~No license shall be issued or renewed except on written application made to the city clerk. Each application shall be signed by the person who intends to conduct, operate, or engage in the business for which the license is to be issued and shall state the nature of the business, its proposed address and telephone number, the names and addresses of all owners of the business or their registered agent and such other information as may be required by the city clerk.~~ Application for a business license is made by submitting a business license application to the Business Licensing Service. The application must include all information required for all licenses being requested. ~~A the nonrefundable city license application fee, in an amount to be set by council resolution, the total fee due for all other licenses requested, as well as the handling fee required by RCW 19.02.075 shall accompany the application. In the event that~~ If the city business license is granted, the application fee shall be credited toward as payment of the annual first year license fee.

(B) ~~If the applicant is a partnership, the application must be made and signed by one of the partners; if a corporation, by one of the officers thereof; if a foreign corporation, partnership or nonresident individual, by the resident agent or local manager of the corporation, partnership or individual.~~

~~(C)~~—The city clerk shall will forward ~~copies~~ information of all applications to appropriate city officials for their endorsements thereon as to compliance by the applicant with all city regulations under their jurisdiction. Based upon such endorsements and based upon the city clerk's investigation into all matters deemed necessary and appropriate, the city clerk shall approve or deny the license application within thirty days of the same being submitted.

~~(D)~~ Failure to comply with any of the provisions of this chapter shall be grounds for denial of the business license.

~~(E)~~ If the application is denied, the reason for denial shall be stated in writing. The applicant shall have a period of ten days after license denial to appeal

the same to the city council. Upon receiving such an appeal, the city council shall hold a public hearing to consider whether or not the license should be issued. The applicant shall be given not less than seven days' notice of the hearing. The decision of the city council shall be final, subject only to an appeal filed with the Spokane County Superior Court within fourteen days following the date of the city council decision.

(FE) Neither the filing of an application for a license nor the renewal thereof, nor any payment of any application or renewal fee, shall authorize a person to engage in or conduct a business until such license has been granted or renewed.

Section 6: Amendment to MLMC Section 4.01.070 and Ordinance No. 711, §8 (1990). MLMC Section 4.01.070 – Term of license, and Ordinance No. 711, §8 (1990) are each hereby amended to read as follows (deleted language ~~stricken~~; added language double-underlined):

Section 4.01.070 - Term of license-Proration.

All business licenses issued pursuant to the provisions of this chapter expire on the date established by the Business Licensing Service, and must be renewed on or before that date to continue to conduct business in the city. The term of the license and respective city licensee may be prorated as necessary to synchronize the license expiration date with the date established by the Business Licensing Service shall be valid until 31st of the year of issuance and all renewals thereafter shall be for a period of one calendar year commencing on January 1st of each year.

Section 7: Amendment to MLMC Section 4.01.100 and Ordinance No. 711, §11 (1990). MLMC Section 4.01.100 – Procedure for renewing licenses, and Ordinance No. 711, §11 (1990) are each hereby amended to read as follows (deleted language ~~stricken~~; added language double-underlined):

Section 4.01.100 - Procedure for renewing licenses-Late Renewal Penalty.

All business licenses issued pursuant to the provisions of this chapter shall must be renewed by filing an application provided by the city clerk submitting a renewal application to the Business Licensing Service. The renewal must include all information required to renew all licenses, and the total fees due for all licenses, as well as the handling fee required by RCW 19.02.075.

Failure to renew the city business license by the expiration date will incur the late renewal penalty required by RCW 19.02.085. Failure to renew the license within 120 days after expiration will result in the cancellation of the license and will require reapplication and reapproval for a license as provided for in the chapter in order to continue conducting business in the City. Failure to receive a renewal application shall not relieve the license holder of his obligation to timely renew the license.

Section 8: Amendment to MLMC Section 4.01.110 and Ordinance No. 711, §12 (1990). MLMC Section 4.01.110 License fees, and Ordinance No. 711, §12 (1990) are each hereby amended to read as follows (deleted language ~~stricken~~; added language double-underlined):

Section 4.01.110 – License fees.

~~(A) The business license fee ~~to be~~ is set by council in its annual fee-setting resolution, and shall be ~~is~~ due and payable ~~on or before January 1st of each calendar year and delinquent if not paid before March 1st~~ with the submission of an initial or annual renewal application.~~

~~(B) The council may, in its fee-setting resolution, provide that a license issued during last quarter shall be good for the following year.~~

~~(C) The council shall in its fee-setting resolution establish a late fee penalty amount to be assessed upon delinquency. This penalty shall be added to the licensing fee.~~

~~(D) The council may in its fee-setting resolution establish an administrative transfer fee for the re-issuance of the business license to any business which relocates to another address within the city.~~

Section 9: Amendment to MLMC Section 4.02.020 and Ordinance No. 924, §3 (2002). MLMC Section 4.02.020 – License required, and Ordinance No. 924, §3 (2002) are each hereby amended to read as follows (deleted language ~~stricken~~; added language double-underlined):

Section 4.02.020 - License required.

(a) It shall be unlawful for any person to conduct, maintain or operate an adult entertainment business unless such person is the holder of a valid and subsisting license from the city to do so, obtained in the manner provided in this chapter.

(b) It shall be unlawful for any entertainer, employee or manager to knowingly work in or about, or to knowingly perform any service or entertainment directly related to the operation of, an unlicensed adult entertainment business.

(c) It shall be unlawful for any entertainer to perform adult entertainment in an adult entertainment business unless such person is the holder of a valid and subsisting license from the city to do so, obtained in the manner provided in this chapter.

(d) It shall be unlawful for any manager to work in an adult entertainment business providing on-site adult entertainment unless such person is the holder of a valid and subsisting license from the city to do so, obtained in the manner provided in this chapter.

(e) Any violation of the provisions of this subsection shall constitute a misdemeanor as set forth in this chapter.

(f) The licenses required under this chapter are separate from and in addition to the business license required under Chapter 4.01 MLMC when the requirements of such business license are applicable.

Section 10: Amendment to MLMC Section 4.04.010 and Ordinance Nos. 632, §2 (1984), 613, §1 (1983) and 321 §1 (1965). MLMC Section 4.04.010 - License required, and Ordinance Nos. 634, §2 (1984), 613, §1 (1983) and 321 §1 (1965) are each hereby amended to read as follows (deleted language ~~stricken~~; added language double-underlined):

Section 4.04.010 - License required.

It is unlawful for any person, firm or corporation to permit dancing, live music or community singing in an establishment operated by him or it in which intoxicating or other spirituous liquors are sold or offered for sale without first securing a license therefor from the city clerk, the issuance of the license to be subject to the approval of the city administrator, and upon payment of the annual license fees established by the city council by resolution. The license required under this chapter is separate from and in addition to the business license required under Chapter 4.01 MLMC when the requirements of such business license are applicable.

Section 11: Amendment to MLMC Section 4.08.030 and Ordinance No. 470, §3 (1976). MLMC Section 4.08.030 – When sale and consumption prohibited, and Ordinance No. 470, §3 (1976) are each hereby amended to read as follows (deleted language ~~stricken~~; added language double-underlined):

Section 4.08.030 - When sale and consumption prohibited.

No retail licensee of the Washington State Liquor ~~Control~~ and Cannabis Board shall sell, deliver, offer for sale, serve or allow to be consumed upon licensed premises in any manner whatsoever at any time when the same is prohibited by the statutes of the state of Washington or by rule or regulation of the Washington State Liquor ~~Control~~ and Cannabis Board, or any revision thereof.

Section 12: Amendment to MLMC Section 4.08.040 and Ordinance No. 470, §3 (1976). MLMC Section 4.08.040 – Violation, and Ordinance No. 470, §3 (1976) are each hereby amended to read as follows (deleted language ~~stricken~~; added language double-underlined):

Section 4.08.040 - Violation.

Violation of any provision contained in this chapter or of the state statutes or rules and regulation of the State Liquor ~~Control~~ and Cannabis Board incorporated in this chapter, is a misdemeanor.

Section 13: Amendment to MLMC Section 4.18.010 and Ordinance Nos. 469, §4 (1976) and 327, §4 (1966). MLMC Section 4.18.010 – Permit required, and Ordinance Nos. 469, §4 (1976) and 327, §4 (1966) are each hereby amended to read as follows (deleted language ~~stricken~~; added language double-underlined):

Section 4.18.010 - Permit required.

Any person desiring to obtain a permit to do any act for which a permit from the city is required by the provisions of RCW Ch. 70.77 shall make written application for such permit to the city clerk. The permit required by this chapter is separate from

and in addition to a business license as may be required under Chapter 4.01 MLMC when the requirements of that chapter apply.

Section 14: Amendment to MLMC Section 4.20.020 and Ordinance No. 458, §2 (1975). MLMC Section 4.20.020 – License required, and Ordinance No. 458, §2 (1975) are each hereby amended to read as follows (deleted language ~~stricken~~; added language double-underlined):

Section 4.20.020 - License required.

~~After January 1, 1976, n~~No person, firm or corporation shall engage in or carry on any business, occupation, act or privilege for which a tax is imposed by this chapter without first having obtained, and being the holder of, a license to do so, to be known as an occupation license. Each such person, firm or corporation shall promptly apply to the clerk-treasurer for such license upon such forms as the clerk-treasurer for such license upon such forms as the clerk-treasurer prepares and provides, giving such information as the clerk-treasurer deems reasonably necessary to enable the clerk-treasurer to administer and enforce this chapter; and, upon acceptance of the application by clerk-treasurer, the clerk-treasurer shall thereupon issue the license to the applicant. The occupation license shall be personal and nontransferable and shall be valid as long as the license continues in said business and complies with this chapter. The license required by this chapter is in lieu of a business license as is otherwise required under Chapter 4.01 MLMC, as is provided for in MLMC 4.01.050 (B).

Section 15: Amendment to MLMC Section 17.45.020 and Ordinance No. 783, §3 (1994). MLMC Section 17.45.020 - Permit required, and Ordinance No. 783, §3 (1994) are each hereby amended to read as follows (deleted language ~~stricken~~; added language double-underlined):

Section 17.45.020 - Permit required.

It is unlawful for any person or individual, company, corporation or association or any other entity to engage in a home occupation as defined in Section 17.08.126 within the city limits without first having obtained a permit in compliance with the provisions of this chapter. The permit shall not be transferred, nor shall it be valid at any address other than the one appearing on the permit. The permit is in addition to the annual business license required under Chapter 4.01 MLMC.

Section 16: Repealer. All other ordinances and resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed, and shall have no further force or effect.

Section 17: Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 18: Effective Date. This ordinance shall be full force an effect five (5) days from and after passage, approval and publication.

INTRODUCED this _____ day of _____, 2022.

PASSED this _____ day of _____ 2022.

CITY OF MEDICAL LAKE,
WASHINGTON

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

**Summary of
City of Medical Lake Ordinance No. 1070**

AN ORDINANCE OF THE CITY OF MEDICAL LAKE, SPOKANE COUNTY, WASHINGTON, AMENDING TITLES 4 AND 17 OF THE MEDICAL LAKE MUNICIPAL CODE REGULATING BUSINESS LICENSES, AMENDING ORDINANCE NOS. 321, §1 (1965); 327, §4 (1966); 458, §2 (1975); 469, §4 (1976); 470, §3 (1976); 613, §1 (1983); 634, §2 (1984); 711, §§2, 3, 56, 7, 8, 11 and 12 (1990); 783, §3 (1994); and 924, §3 (2002), PROVIDING FOR THE EFFECTIVE DATE THEREOF AND OTHER MATTERS PROPERLY RELATED THERETO.

CITY OF MEDICAL LAKE

A summary of the principal provisions of Ordinance No. 1070 of the City of Medical Lake, Washington, adopted on _____, 2022, is as follows:

[insert once final]

The full text of Ordinance No. ____ will be mailed to any citizen without cost upon request from the City's Clerk's office.

CITY OF MEDICAL LAKE